

Amendment Serial No. 10/566,718
Amendment filed March 25, 2009
Reply to Office Action mailed January 5, 2009

REMARKS

Claims 10-25 are pending in this application. Claims 10, 24, and 25 are amended herein. Support for the amendments to the claims may be found in the claims as originally filed and, in particular, in claim 10. Reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicant appreciates the consideration given to the arguments, and the new grounds of rejection. Further favorable consideration is requested.

Claim Rejections - 35 U.S.C. § 102:

Claims 10-25 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2003/0232616 to Gidron *et al.* (hereinafter “Gidron”). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

In the claimed invention, the data, which is metered, is the data for producing the service for a user. Consequently, the data being produced by the metering is distinct from the data for producing the service for a user.

In the claimed invention, moreover, the data for producing the service is transmitted via a number of network elements, such that the metering has to take place at a plurality of metering points. The metering points are described as network elements. The fourth clause of claim 10, in particular, recites:

Data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data.

Gidron neither teaches, discloses, nor suggests “data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data,” as recited in claim 10. In Gidron, rather, only one network element, the provisioning platform 16, may be considered to be a metering point. Accordingly, there is no plurality of metering points, as recited in claim 10, and consequently no policy function controls the plurality of metering points.

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The charging module 23 of Gidron, moreover, features a mediation block 110 for receiving charge commands from actions handler 108, not "a number of network elements in which in each case the metering points are implemented" as recited in claim 10. In particular, as described at paragraph [0096]:

Turning to FIG. 2B, according to optional but preferred embodiments of the present invention, charging module 23 features a mediation block 110 for receiving charge commands from actions handler 108 (not shown; see FIG. 2A).

Since, in Gidron, the charging module 23 features a mediation block 110 for receiving charge commands from actions handler 108, Gidron has no "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as recited in claim 10.

In Gidron, moreover, the mediation block 110 submits a charge message to the outside billing system in the protocol of that billing system, not to "a number of network elements in which in each case the metering points are implemented" as recited in claim 10. In particular, as described further at paragraph [0096]:

Mediation block 110 then preferably submits a charge message to the outside billing system in the protocol of that billing system. For example, mediation block 110 could optionally communicate with the billing system of the cellular carrier according to the format or language of that particular billing system.

Since, in Gidron, the mediation block 110 submits a charge message to the outside billing system in the protocol of that billing system, Gidron has no "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as recited in claim 10.

In Gidron, moreover, the CDR builder 112 receives the charge command and produces the call/charge data record, not "a number of network elements in which in each case the metering points are implemented" as recited in claim 10. In particular, as described at paragraph [0097]:

Optionally, mediation block 110 features a CDR builder 112 for receiving the charge command and for producing the CDR (call/charge data record) according to a format which is defined by the carrier (or other outside billing entity). The CDR is then transmitted to the external billing system (not shown) by a CDR

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transmitter 116.

Since, in Gidron, the CDR builder 112 receives the charge command and produces the call/charge data record, Gidron has no "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as recited in claim 10.

In Gidron, moreover, the data for the CDR may be stored at charging module 23, not at "a number of network elements in which in each case the metering points are implemented" as recited in claim 10. In particular, as described further at paragraph [0097]:

The data for the CDR may optionally be stored at charging module 23 and/or another module of the system as static data, or alternatively may be dynamic data which depends on the particular charging event, as received from actions handler 108 enacting the result of rule engine 128.

Since, in Gidron, the data for the CDR may be stored at charging module 23, Gidron has no "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as recited in claim 10.

In Gidron, moreover, the actions handler 108 transmits billing records to external billing system 134, not to "a number of network elements in which in each case the metering points are implemented" as recited in claim 10. In particular, as described at paragraph [0108]:

An optional and still more preferable result of an action is generation of a billing record (CDR) by actions handler 108 which then most preferably transmits billing records to external billing system 134 in a configured protocol, as defined by external billing system 134.

Since, in Gidron, the actions handler 108 transmits billing records to external billing system 134, Gidron has no "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as recited in claim 10.

Gidron, moreover, uses an "application level charging model", not "a number of network elements in which in each case the metering points are implemented" as recited in claim 10. In particular, as described at paragraph [0046]:

Optionally, a charging policy may be embodied in the form of an "application level charging model". An application-level charging model provides the means for

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implementing different business models for different applications. That is, each application may have its own business logic model, as specified by its provider. This flexibility is achieved by collecting information about the activities of the application through runtime rules and applying dynamic charging models.

Since Gidron uses an "application level charging model", Gidron has no "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as recited in claim 10.

Gidron, moreover, uses a prepaid model and a postpaid model, so Gidron would have no use for "a number of network elements in which in each case the metering points are implemented" as recited in claim 10. In particular, as described at paragraph [0052]:

According to other preferred embodiments of the present invention, payment methods may optionally and preferably include at least a prepaid model and a postpaid model. The prepaid model is used when the subscriber has paid in advance for a limited amount of credit or services, such as a limited number of applications for example. The pre-paid model requires authorization for content delivery to be received before the content is actually delivered.

Since Gidron uses a prepaid model and a postpaid model, Gidron has no "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as recited in claim 10.

The rule base 164 of Gidron, moreover, determines whether the subscriber is eligible to receive a particular unit of dynamic content, so Gidron would have no use for "a number of network elements in which in each case the metering points are implemented" as recited in claim 10. In particular, as described at paragraph [0068]:

Optionally and preferably, one of the rules in rule base 164 determines whether the subscriber is eligible to receive a particular unit of dynamic content in order for rule engine 128 to allow the subscriber to receive such dynamic content through cellular communication device 12.

Since the rule base 164 of Gidron determines whether the subscriber is eligible to receive a particular unit of dynamic content, Gidron has no "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as recited in claim 10.

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In Gidron, moreover, charging for transactions is performed through a charging module 23, which is located at provisioning platform 16, not at "a number of network elements in which in each case the metering points are implemented" as recited in claim 10. In particular, as described at paragraph [0077]:

Charging for these transactions is then optionally and preferably performed through a charging module 23, which is optionally and more preferably located at provisioning platform 16 and subject to rules embodied in rule engine 128. Charging module 23 determines a price for consuming certain types of dynamic content by cellular communication device 12, optionally and more preferably according to the plurality of rules in base 164.

Since, in Gidron, charging for transactions is performed through a charging module 23, which is located at provisioning platform 16, Gidron has no "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as recited in claim 10.

Rule engine 128 of Gidron, moreover, performs any calculations which are required to authorize downloading of content, including the sums required for billing events, or events within the overall system of the present invention which actually trigger billing, not "a number of network elements in which in each case the metering points are implemented" as recited in claim 10. In particular, as described at paragraph [0088]:

Provisioning platform 16 preferably contains rule engine 128 which receives events and applies one or both of business policies 123, 130. Rule engine 128 performs any calculations which are required to authorize downloading of content, including the sums required for billing events, or events within the overall system of the present invention which actually trigger billing.

Since, in Gidron, rule engine 128 performs any calculations which are required to authorize downloading of content, including the sums required for billing events, or events within the overall system of the present invention which actually trigger billing, Gidron has no "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as recited in claim 10.

In Gidron, moreover, the events are received by cellular communication device 12, which communicates with the remaining modules of provisioning platform 16, not with "a number of network elements in which in each case the metering points are implemented" as recited in claim

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10. In particular, as described further at paragraph [0088]:

These events are preferably received by cellular communication device 12, which communicates with the remaining modules of provisioning platform 16.

Since, in Gidron, the events are received by cellular communication device 12, which communicates with the remaining modules of provisioning platform 16, Gidron has no "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as recited in claim 10.

The final clause of claim 10 recites:

A policy function which controls both the metering points and the charging points by using predefined rules.

Gidron neither teaches, discloses, nor suggests "a policy function which controls both the metering points and the charging points by using predefined rules," as recited in claim 10. In Gidron, rather, there is no plurality of metering points, as discussed above, and consequently no policy function "controls both the metering points and the charging points by using predefined rules," as recited in claim 10. Claim 10 is submitted to be allowable. Withdrawal of the rejection of claim 10 is earnestly solicited.

Claims 11-23 depend from claim 10 and add further distinguishing elements. Claims 14 and 20, for example, recite:

The policy function monitors predefined call-charge thresholds relating to the at least one service, the call-charge thresholds being monitored simultaneously with performance of the at least one service.

Gidron neither teaches, discloses, nor suggests "the policy function monitors predefined call-charge thresholds relating to the at least one service, the call-charge thresholds being monitored simultaneously with performance of the at least one service," as recited in claims 14 and 20. Gidron, in fact, mentions no call-charge thresholds at all, let alone "predefined call-charge thresholds," as recited in claims 14 and 20. Claims 11-23 are thus also submitted to be allowable. Withdrawal of the rejection of claims 11-23 is also earnestly solicited.

Claim 24:

The first clause of claim 24 recites:

Data for producing the service for a user being transmitted via a number of

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network elements in which in each case the metering points are implemented; the metering points for charge metering the data.

Gidron neither teaches, discloses, nor suggests "data for producing the service for a user being transmitted via a number of network elements in which in each case the metering points are implemented; the metering points for charge metering the data," as discussed above with respect to the rejection of claim 10.

The final clause of claim 24 recites:

A policy function which controls both charge metering points and charging points by using predefined rules.

Gidron neither teaches, discloses, nor suggests "a policy function which controls both charge metering points and charging points by using predefined rules," as discussed above with respect to the rejection of claim 10. Claim 24 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 10. Withdrawal of the rejection of claim 24 is earnestly solicited.

Claim 25:

The fourth clause of claim 25 recites:

Transmitting data for producing the at least one service for a user via a number of network elements in which in each case the metering points are implemented.

Gidron neither teaches, discloses, nor suggests "transmitting data for producing the at least one service for a user via a number of network elements in which in each case the metering points are implemented," as discussed above with respect to the rejection of claim 10.

The final clause of claim 25 recites:

Controlling both the metering points and the charging points using predefined rules.

Gidron neither teaches, discloses, nor suggests "controlling both the metering points and the charging points using predefined rules," as discussed above with respect to the rejection of claim 10. Claim 25 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 10. Withdrawal of the rejection of claim 25 is earnestly solicited.

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Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 10-25 are allowable over the cited references. Allowance of all claims 10-25 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is invited to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge them to our Deposit Account No. 19-3935.

Respectfully submitted,

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